

**REMARKS**

Claims 1, 7, and 13 have been amended. Accordingly, claims 1-18 are currently pending in the present application.

The examiner states that he has not considered the information disclosure statement submitted on March 23, 2001 due to a failure to pay the required fee, due to a lack of a paper listing the references, and due to a failure in this 2001 filing to provide a concise explanation of the relevance of each patent not in the English language. Reconsideration is respectfully requested.

We believe that this IDS issue has been obviated via a telephone call to the examiner. Regarding the fee, no fee is due under the Rules if the IDS is filed before the first Office Action. The IDS was filed on September 5, 2001, which is well before the first Office Action, dated October 18, 2002. Regarding the listing of references, a listing of references was included in the IDS filing on September 5, 2001. A copy of the IDS filing, including the reference listing and the receipt postcard is enclosed. Regarding a concise explanation of non-English references, it is noted that the two PCT applications in the German language included English abstracts, as set forth below. In a telephone call with the examiner on January 21, the examiner ask that a copy of the IDS and postcard be included with applicants' response to the overall rejection.

**PCT Application No. WO00051038A1 by Gourley**, entitled "Distribution management and inventory control system" (hereinafter referred to as Gourley) discloses a distribution management and inventory control system for tracking usage of inventory item stored in a storage area. Specifically, inventory data is received from a plurality of data collection devices located at the respective facilities of a customer in the distribution chain. Each facility includes a storage area with inventory items stored therein. A bar code reader is used to read the bar code from each item added to, removed from, returned to, or remaining in the storage area and to provide the corresponding item identification data. The received item identification data is used to provide a consolidated invoice. If the customer's facilities are served by different dealers, the item identification data can be converted to dealer-specific data including the respective dealer codes for the items for replenishing the inventory at each storage area. Item identification data may also be sorted by manufacturer to provide corresponding data to specific manufacturers for production planning. A variety of reports associated with the items may also be generated such as material safety reports, environmental reports, job cost reports, and marketing reports.

**PCT Application No. WO09967729A1 by Braun**, entitled "Method and system for maximizing the range of stock management requirement profiles" (hereinafter referred to as Braun) discloses a system for carrying out stock management in a multilevel distribution chain by applying optimization algorithms to a range profile built on a distribution network formulation and on different elements which are invoiced in the network. The optimization problem is defined in a formal way and algorithms for maximizing stock autonomy by means of requirement profiles are proposed. The optimization process allows transport costs to be reduced to a minimum and bottlenecks to be avoided in stocks. But should bottleneck occur, the system allocates priorities according to need and provides an optimum solution for monotonous product distribution. The process carried out by the system includes the initialization of stock autonomy profile with a starting value followed by the calculation of required entries to satisfy profile restrictions. Next, the most cost-effective flow for the needs is created by means of a minimal autonomy of the requirement profile until a solution is found.

The present invention relates to an independent supply chain management system within a supply chain automatically generating an order form for additional inventory for a store, not at the initiation by the store, but based on sales data from that store. The order form is then sent out to a distributor associated with that store, probably with, but possibly without store approval, and may be for a plurality of stores based on their respective sales data. The distributor will not be expecting the order. Also, because the distributor's normal relationship and the called-for delivery of inventory is with and to the individual store, the distributor may neglect to send a confirmation to the independent supply chain management system that initiated the order. Thus, an order may or may not have been filled and the initiating entity would have no way of verifying that fact. This is a fundamental problem in an independent supply chain management framework that handles the inventory ordering for hundreds or thousands of stores, but may or may not have control over those stores or their associated distributors. A further point is that when the processor in the system does determine that a confirmation has not been received, then an alert must go out at least to a human in the system, and in a preferred embodiment, to the pertinent parties for the transaction in the supply chain. A fundamental point that drives this invention is that the order form to the distributor was generated and sent by the independent supply chain management system itself, and not the normal party in the relationship with the distributor, namely the store.

Claim 1-18 have been rejected under 35 USC 112, second paragraph, because the examiner states that it is unclear in step (e) whether an alert is generated if no

confirmation is received from the distributor or whether an alert is generated if a confirmation is received from someone other than the distributor. Applicants believe that there is no ambiguity in the text as amended. Specifically, the claim language states that "the independent supply chain management system generating an alert upon determining that the independent supply chain management system did not receive the confirmation of the receipt of the electronic order form from the distributor." This language indicates that if no confirmation is received from the specific distributor to which the order was sent, then an alert will be generated, regardless of anything else that occurs. Receiving a confirmation from another source is not receiving a confirmation from the distributor that received the order.

Claims 1-18 have been rejected under 35 USC 103 as being unpatentable over Sharp et al. This rejection is respectfully traversed and reconsideration thereof is requested. Sharp et al. discloses a system wherein a customer can place an order for brand name products, with the system then allocating the order to a supplier of the product according to a distribution channel conflict resolution scheme. After the customer has provided payment information, then the order information is entered into the system database and an order confirmation including an order number is emailed to the customer, not by the supplier (which has not yet been selected), but by the system. See column 4, lines 7-11. The system then allocates the order to a supplier according to the channel conflict resolution protocol and the order is sent to the supplier in any convenient manner. See column 4, lines 12-20. A response timer is then started by the system. If the supplier does not accept the order within the time set by the timer, then a "missed opportunity letter" is sent, and the process is begun again and the order is reallocated to a new supplier.

Accordingly, it can be seen that there is no teaching of receiving from the supplier confirmation of receipt of an order, or of generating an alert if no confirmation of receipt is received from the supplier. Rather, the Sharp system sets a timer, which runs until an order acceptance or rejection is received or the timer times-out. Thus, the timer must time-out before the system takes any further action. The inherent time delay in the Sharp et al. system is precisely what the present invention is directed at removing. The timeliness of the ordering system of Sharp et al. and thus its usefulness

to a large supply chain with thousands of stores is severely eroded when a time-out is required before the system can take action.

Referring to claim 1, the examiner states that Sharp et al. does not teach requesting a confirmation of receipt to be sent to the sender of the order, but then the examiner states that such a feature is inherent. However, the reference cited by the examiner is specifically designed on the assumption that there is no request for a confirmation of receipt. Namely, it is designed with a timer which will time-out after the lapse of a period of time if no order acceptance or rejection (not confirmation of receipt) is entered into the system web site within the allotted period of time. See column 4, lines 26-34. Thus, it was not inherent at all in the only reference applied by the examiner. If the examiner persist in this reasoning, then applicants request proofs in the record to demonstrate such inherency.

The examiner notes on page 4 of his office action that Sharp et al. does not teach that an alert is generated if a confirmation of receipt is not received. The examiner also states that it would be redundant to send an alert to the sender indicating that a confirmation of receipt was not received. The examiner's view on this point is evidence of non-obvious for the claimed system. A system processor determination that no confirmation of receipt had been received does not do anything. An alert must be generated to get the attention of a human in the supply chain management system. It is also useful to alert others in the supply chain, such as the store involved and the distributor. Instead, Sharp et al., when its timer has timed out because of not receiving an order confirmation or rejection (not confirmation receipt), sends out a "missed opportunity letter" and initiates its channel conflict resolution protocol and starts over again. There is no attempt to rectify the situation with the distributor to which the order was originally sent (even when the store involved may have its only relationship with that particular distributor). This type of operation is a detriment for an independent supply chain management system which preferably works with the store-distributor relationships set up by and determined by the stores. To summarize, the sequence of steps set forth in this claim and performed by an "independent supply chain management system" are not met by the Sharp et al.

reference, and that reference demonstrates the non-inherency of the sequence of steps.

Claims 2-6 depend from claim 1 and further define additional bases of novelty and non-obviousness. Thus, these claims should be allowable for the reasons cited above and for their additional limitations.

Claims 7-12 define the invention in system format, and claims 13-18 define the invention in program product format. These claims should be allowable for the reasons cited above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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By 

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**MARKED UP VERSION SHOWING CHANGES MADE**

Below are the marked up amended claims:

1. (Amended) A method for order confirmation in [a] an independent supply chain management [framework] system that may or may not mandate store-distributor relationships in a supply chain, comprising:
  - a) the independent supply chain management system collecting data from a plurality of stores of a supply chain utilizing a network, the data relating to the sale of goods by the stores;
  - b) allowing access to the data utilizing a network-based interface;
  - c) the independent supply chain management system generating and then sending out to a distributor an electronic order [forms] form based on the data [for ordering goods from a plurality of distributors ] relating to multiple completed sales of goods by a store of the supply chain, the electronic order [forms] form requesting a confirmation of the receipt of the electronic order [forms] form;
  - d) determining whether the confirmation of the receipt of the electronic order [forms] form is received by the independent supply chain management system from the [distributors] distributor;
  - e) the independent supply chain management system generating an alert upon [it being determined] determining that the independent supply chain management system did not receive [ that] the confirmation of the receipt of the electronic order [forms] form [was not ] from the [distributors] distributor.
  
7. (Amended) A system for order confirmation in [a] an independent supply chain management [framework] system that may or may not mandate store-distributor relationships in a supply chain, comprising:
  - a) logic for the independent supply chain management system collecting data from a plurality of stores of a supply chain utilizing a network, the data relating to the sale of goods by the stores;
  - b) logic for allowing access to the data utilizing a network-based interface;
  - c) logic for the independent supply chain management system generating and then sending out to a distributor an electronic order [forms] form based on the data [for ordering goods from a plurality of distributors ] relating to multiple completed sales

- of goods by a store of the supply chain, the electronic order [forms]form requesting a confirmation of the receipt of the electronic order [forms]form;
- d) logic for determining whether the confirmation of the receipt of the electronic order [forms]form is received by the independent supply chain management system from the [distributors]distributor;
- e) logic for the independent supply chain management system generating an alert upon [it being determined]determining that the independent supply chain management system did not receive[ that] the confirmation of the receipt of the electronic order [forms]form [was not ] from the [distributors]distributor.

13. (Amended) A computer program for order confirmation in [a] an independent supply chain management [framework] system that may or may not mandate store-distributor relationships in a supply chain, comprising:

- a) computer code for the independent supply chain management system collecting data from a plurality of stores of a supply chain utilizing a network, the data relating to the sale of goods by the stores;
- b) computer code for allowing access to the data utilizing a network-based interface;
- c) computer code for the independent supply chain management system generating and then sending out to a distributor an electronic order [forms]form based on the data [for ordering goods from a plurality of distributors ]relating to multiple completed sales of goods by a store of the supply chain, the electronic order [forms]form requesting a confirmation of the receipt of the electronic order [forms]form;
- d) computer code for determining whether the confirmation of the receipt of the electronic order [forms]form is received by the independent supply chain management system from the [distributors]distributor;
- e) computer code for the independent supply chain management system generating an alert upon [it being determined]determining that the independent supply chain management system did not receive[ that] the confirmation of the receipt of the electronic order [forms]form [was not ] from the [distributors]distributor.